

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 DHA-02 IO-13 PM-04 NSC-05 SP-02  
SS-15 CIAE-00 INR-07 NSAE-00 L-03 H-01 DODE-00  
/063 W

-----022128Z 037175 /73

R 021356Z JUN 77

FM AMCONSUL JERUSALEM  
TO SECSTATE WASHDC 9038  
INFO AMEMBASSY TEL AVIV

C O N F I D E N T I A L JERUSALEM 0806

E.O. 11652: GDS  
TAGS: SHUM, IS, JO  
SUBJ: HUMAN RIGHTS REPORT

REF: A. STATE 123047; B. JERUSALEM 427 OF 1976

1. PER REFTTEL, AND WITHOUT REVEALING PURPOSE OF  
INQUIRY, CONGEN OFFICER DISCUSSED WEST BANK  
PALESTINIANS RIGHTS TO PETITION ISRAELI SUPREME  
COURT FOR REDRESS OF MILGOV DECISIONS WITH AZIZ  
SHIHEDEH OF RAMALLAH ONE OF THE WEST BANK'S  
MOST PROMINENT LAWYERS. HIS OPINIONS FOLLOW.

2. PER PARA. 2A. ADMINISTRATIVE DETAINEES CAN  
PETITION THE ISRAELI SUPREME COURT, IN ITS  
CAPACITY AS A HIGH COURT FOR ADMINISTRATION, FOR  
A WRIT OF HABEAS CORPUS. THEY MAY ALSO BE  
REPRESENTED BY COUNSEL BEFORE THE PERMANENT  
COMMITTEE WHICH REVIEWS ADMINISTRATIVE DETENTIONS.  
THERE ARE PERHAPS FOUR OR FIVE SUCH CASES FROM  
THE ENTIRE WEST BANK A YEAR. SHIHEDEH KNOWS  
OF NO CASE WHICH SUCCEEDED. MILGOV RECOMMENDATION  
WITH ONLY VAGUE JUSTIFICATION IS ROUTINELY ACCEPTED.  
PAST RECORD OF NO SUCCESS HAS DISCOURAGED WEST BANK  
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PALESTINIANS FROM PRESENTING SUCH CASES. SHIHEDEH  
HIMSELF NO LONGER HANDLES THEM.

3. PER PARA 2B, WEST BANK PALESTINIANS DO HAVE THE  
RIGHT TO SEEK WRITS FROM THE ISRAELI SUPREME COURT  
AND SUE FOR REDRESS OF GREIVANCES. THIS IS NOT  
UNCOMMON. CONTESTED ISSUES INCLUDE: MILGOV

INTERPRETATION OF JORDANIAN LAW AND DEPORTATION ORDERS.  
CHANCES OF SUCCESS VARY WITH THE ISSUE. FOR  
EXAMPLE, THE SUPREME COURT HAS REVIEWED MILGOV  
INTERPRETATION OF A JORDANIAN ELECTION LAW WHICH  
PREVENTED SUCCESSFUL CANDIDATE FROM TAKING HIS SEAT.  
IN THIS CASE, AS IS THE USUAL PRACTICE, NO FIRM  
DECISION WAS RENDERED, BUT AN INFORMAL OPINION  
EFFECTED THE CORRECTION. ON THE OTHER HAND, SHIHEDEH  
KNOWS OF NO SUCCESSFUL APPEAL OF A DEPORTATION ORDER.  
HE ESTIMATES FOUR OR FIVE SUCH PETITIONS HAVE BEEN  
HEARD DURING THE OCCUPATION.

4. PER PARA 2C, SEE REF B. IN THE RECENT PAST,  
NO OTHER CASE HAS COME TO OUR ATTENTION.

5. COMMENT: WE BELIEVE THAT THE RIGHT TO APPEAL MILGOV  
ORDERS TO THE ISRAELI SUPREME COURT IS NOT WELL  
KNOWN BY WEST BANK PALESTINIANS. WE HAVE BEEN  
TOLD TWICE IN RECENT WEEKS BY FAIRLY SOPHISTICATED  
PERSONS (THE MAYOR OF HEBRON AND THE NOTABLE  
MUSA ALAMI) THAT NO REDRESS IS AVAILABLE. FURTHER-  
MORE, WE WONDER HOW WILLINGLY MOST PALESTINIANS  
WOULD GO TO THE ISRAELI SUPREME COURT FOR REDRESS  
SINCE, IN THEIR OPINION, THAT IMPLIES ACCEPTANCE  
OF ITS JURISDICTION. ON ADMINISTRATIVE  
QUESTIONS, IT DOES SEEM THAT THE SUPREME COURT  
PROVIDES A CHECK ON THE MILGOV. ON SECURITY QUESTIONS,  
IT SEEMS NEITHER THE SUPREME COURT NOR THE PERMANENT  
COMMITTEE ON ADMINISTRATIVE DETENTIONS IS AN  
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EFFECTIVE FORUM FOR EITHER DETERMINING THE GROUNDS  
OR DETENTION OR REVERSING THE MILGOV DECISION.  
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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS, WEST BANK, PALESTINIANS, MILITARY OCCUPIED AREAS  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977JERUSA00806  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Office:** ACTION NEA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 STATE 123047, 77 JERUSALEM 427  
**Retention:** 0  
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**Review Media Identifier:**  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
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**TAGS:** SHUM, IS, JO  
**To:** STATE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009